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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MYERS BIGEL SIBLEY AND SAJOVEE PA
P.O. BOX 37428
RALEIGH, NC 27627

EXAMINER

TANG, KENNETH

ART UNIT PAPER NUMBER

2195

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,135

Applicant(s)

JANSSEN ET AL.

Examiner

Kenneth Tang

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____



DETAILED ACTION

1. This action is in response to the Amendment filed on 1/4/05. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.
2. Applicant has added claims 13-18. Claims 1-18 are now presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

- a. The following is indefinite:

- i. In claim 1, "status information" is indefinite because it is not made explicitly clear in the claim language what this refers to. It is unclear if this refers to the "activation status", the "number of messages stored in the first input queue", "the number of messages stored in the second input queue", etc. There is no relationship established between "status information" and to anything else in the body of the claim.

- ii. In claim 13, "a first plurality queues" and "a second plurality queues" is indefinite because it is not made explicitly clear in the claim language whether this is singular or plural. The "a first" and "a second" indicate singular, however, the "plurality queues" imply plural.

Art Unit: 2195

- iii. In claim 13, “part of the message queuing transmission system” on lines 3 and 5 are indefinite because it is not made explicitly clear in the claim language whether they are the same term. For example, it is unclear if this is the same part or a different part.
- b. The following lacks antecedent basis:
 - iv. Claim 13, “the application processing tasks”, line 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 6-8, 13-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briem et al. (hereinafter Briem) (US 6,246,691 B1) in view of Nordstrom et al. (hereinafter Nordstrom) (US 6,085,277).

2. As to claim 1, Briem teaches a computer implemented method for gathering status information (monitoring done in the monitoring device) in a message queuing transmission system with least one processing task running (*see Abstract and col. 2, lines 10-19*), method comprising the steps of:

forming a first queue group by assigning a queue group identifier (queue identifications QID) to a first queue and to a second queue within a message queuing transmission system (*col. 2, lines 36-52, col. 3, lines 62-65, see Figure 1*);

forming a second queue group (the first queue group and the second queue group combined make up a partner queue group) by assigning a queue group identifier (queue identifications QID) to a first queue and to a second queue within the message queuing transmission system (*col. 2, lines 36-52, col. 3, lines 62-65, col. 4, lines 5-40, see Figure 1*);

assigning identifiers to all the queues (*col. 4, lines 10-45*);

gathering/determining an activation status of the processing task (done by the monitoring of the monitoring device) (*col. 2, lines 40-48*).

3. Briem fails to explicitly teach gathering/determining the number of messages in the queues and reading and writing messages to the queue groups. However, Nordstrom teaches a managing a message queuing system that counts the number of messages (Message Counter 270, Fig. 1B) in the queue as well as reads and writes (with input and output capabilities) to message queues (*col. 7, lines 63-67, col. 10, lines 41-55*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Briem with Nordstrom because this would optimize the overall processor utilization and computer system performance of the existing system (*col. 3, lines 55-67 through col. 4, lines 1-6*).

4. As to claim 3, Briem in view of Nordstrom teaches presenting contents of the task monitor storage area on a display screen because it is inherent that a computer has a monitor to display output.

5. As to claim 6, Briem teaches that each queue that the queue identifications (QID) are individually assigned and unique (*col. 4, lines 5-13*).

6. As to claim 7, Briem and Nordstrom fail to explicitly teach wherein the processing task is a background task. However, "Official Notice" is taken that both the concept and advantages of providing that the processing task is a background task is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the processing task is a background task to the existing system of Briem and Nordstrom because incorporating background tasks when a user is found to be absent, for example, will optimize task scheduling.

7. As to claim 8, Briem and Nordstrom teaches storing the task identifier; storing the first queue group identifier queue group identifier; and storing the first queue identifier, the second identifier, the third queue identifier, and the fourth queue identifier but fails to explicitly teach storing these in data tables. However, "Official Notice" is taken that both the concept and advantages of providing that storing data in data tables is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include storing data in data tables to the existing system of Briem and Nordstrom because this increases the organization of the system by having a structure to hold and access the data.

Art Unit: 2195

8. As to claim 13, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Briem teaches the message queuing system having a plurality of queue groups (WG1 to WGN) which are each part of a “partner queue group” (*col. 4, lines 38-63*).

9. As to claim 14, Briem teaches wherein the output determined number of messages stored in each queue in the first queue group, the determined number of messages stored in each queue in the second queue group and the determined activation status of the at least one of the application processing tasks is used to monitor the status of at least one external application (*col. 2, lines 36-52, col. 4, lines 37-56*).

10. As to claim 17, it is rejected for the same reasons as stated in the rejection of claim 7.

11. **Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briem et al. (hereinafter Briem) (US 6,246,691 B1) in view of Nordstrom et al. (hereinafter Nordstrom) (US 6,085,277), and further in view of Takahashi et al. (hereinafter Takahashi) (US 2002/0035620 A1).**

12. As to claim 2, Briem and Nordstrom teaches repeating the steps of determining and the step of gathering according refresh time interval of a refresh counter. However, Takahashi teaches determining and gathering according to a refresh time interval of a refresh counter (*page 24, [0329]*). It would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2195.

invention was made to include the feature of determining and gathering according to a refresh time interval of a refresh counter to the existing system of Briem and Nordstrom because it improves task scheduling by being able to manage time interval periods (*page 24, [0329]*).

13. As to claim 15, it is rejected for the same reasons as stated in the rejection of claim 2.

14. **Claims 4-5, 9-12, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briem et al. (hereinafter Briem) (US 6,246,691 B1) in view of Nordstrom et al. (hereinafter Nordstrom) (US 6,085,277), and further in view of Cain et al. (hereinafter Cain) (US 6,757,289 B1).**

15. As to claim 4, Briem and Nordstrom fails to explicitly teach writing an error message from the processing task to an error-log queue. However, Cain teaches error checking to monitor performance of a message queue (*col. 25, lines 60-67 through col. 26, lines 1-26*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Cain's message queue error checking feature of the debug application to the existing message queuing system of Briem and Nordstrom because this allows for performance monitoring by providing message queue information including all message queues in the system, a list of all registered events, and the handler functions for the events, as well as keeping track of all threads accessing input/output (*col. 25, lines 60-67 through col. 26, lines 1-26*).

Art Unit: 2195

16. As to claim 5, it is rejected for the same reasons as stated in the rejection of claim 4. IN addition, The system of Briem and Nordstrom teaches presenting contents of the task monitor storage area on a display screen because it is inherent that a computer has a monitor to display output.

17. As to claim 9, it is rejected for the same reasons as stated in the rejection of claim 1. However, Briem and Nordstrom fail to explicitly teach having reply messages that are generated by down-stream software applications. Cain teaches message communications including reply messages that have down-stream software applications such as drivers that aids in the communication (*col. 9, lines 35-61*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of having reply messages that are generated by down-stream software applications to the existing system of Briem and Nordstrom because this increases communication abilities (*col. 9, lines 35-61, col. 1, lines 60-67*).

18. As to claim 10, Cain teaches wherein the reply message is taken from the reply queue and processed by a reply task (*col. 9, lines 35-61*).

19. As to claim 11, Cain teaches computing a time interval between writing the outgoing message to an output queue the message queuing transmission system and writing the reply message to the reply queue (*col. 7, lines 29-48*).

Art Unit: 2195

20. As to claim 12, Cain teaches comparing said time interval with a predetermined time control interval (*col. 7, lines 29-48*).

21. As to claim 16, it is rejected for the same reasons as stated in the rejection of claim 4.

22. As to claim 18, it is rejected for the same reasons as stated in the rejection of claim 10.

Response to Arguments

23. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2195

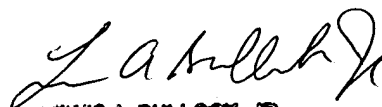
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt
4/18/05


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER